

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of:  Ashkenazi et al.  Serial No.: Not yet assigned  Filed: Herewith  For: <i>Secreted and Transmembrane Polypeptides and Nucleic Acids Encoding the Same</i>	Group Art Unit: Not yet assigned  Examiner: Not yet assigned
---	--

**PRELIMINARY AMENDMENT**

Assistant Commissioner of Patents  
Washington, D.C. 20231

Sir:

Prior to substantive examination of the above captioned patent application (which is filed herewith), and for calculation of the proper filing fee, Applicants respectfully request that the following amendments be entered.

**In the claims:**

Please cancel Claims 1-38 without prejudice or disclaimer.

Please add new Claims 39-44 as follows.

--39. (New) An antibody that binds to the polypeptide shown in Figure 40 (SEQ ID NO:109).

40. (New) The antibody of Claim 39 which is a monoclonal antibody.

**Serial No.:** Not yet assigned

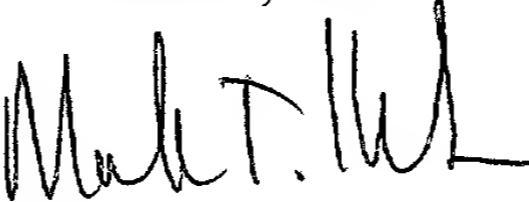
**Filed:** Herewith

41. (New) The antibody of Claim 39 which is a humanized antibody.
42. (New) The antibody of Claim 39 which is an antibody fragment.
43. (New) The antibody of Claim 39 which is labeled.
44. (New) The antibody of Claim 39 which specifically binds to the polypeptide shown in Figure 40 (SEQ ID NO:109).--

Applicants respectfully request entry of these new claims for prosecution in this application. The Examiner is invited to contact the undersigned at (650) 225-4461 if any issues may be resolved in that manner.

Respectfully submitted,

GENENTECH, INC.

By:   
\_\_\_\_\_  
Mark T. Kresnak, Ph.D.  
Reg. No. 42,767  
Telephone: (650) 225-4461



09157

PATENT TRADEMARK OFFICE